



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

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Mr. Frazer Lockhart  
Department of Energy  
Rocky Flats Office  
P.O. Box 928  
Golden, CO 80402-0928

re: OU1 Draft RI Report

Dear Mr. Lockhart:

EPA and CDH have been informed that the OU1 Draft Phase III RFI/RI Report due on July 30, 1992, is now in preparation, despite the unavailability of nearly all chemical analysis results from Phase III samples. DOE apparently intends to prepare and submit a report on time, but with little new information.

We are writing to remind you that mere submittal of a document does not constitute meeting a milestone under the terms of our agreement. EPA and CDH will consider submittal of a Draft Phase III RFI/RI Report which lacks a full presentation and analysis of the complete Phase III RFI/RI data set as equivalent to not submitting a report at all; a clear failure to meet the milestone and an IAG violation subject to stipulated penalties.

Preparation of an RFI/RI Report without new data presents a range of problems. One specific impact of particular concern to us is that the lack of Phase III RFI/RI data will result in an inadequate and incomplete human health risk assessment and environmental evaluation. DOE committed to selecting both the human health and environmental contaminants of concern (COCs) for OU1 based on specific criteria developed by the Risk Assessment Technical Working Group. These were to be applied to a full set of RFI/RI data; without it, COC selection will be incomplete. We also note that performance of tissue analysis prior to availability of all RFI/RI data circumvents the agreed-upon procedures and demonstrates that DOE has failed to adequately implement the approved work plan. In summary, it appears the RFI/RI Report now in preparation will be incapable of adequately characterizing the nature, extent, and fate of contamination, and will not support proceeding with the CMS/FS process.

ADMIN RECORD

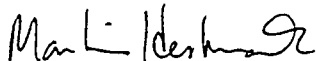
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It is our position that DOE has had ample time to obtain and analyze the Phase III data for the RFI/RI Report, as field work was reported to be complete over five months ago. Preparing a report without a full presentation and analysis of Phase III data would be an inexcusable waste of valuable, and limited resources. Our collective purposes would be far better served by concentrating those resources on solving the problems that produced this situation, and then preparing the RFI/RI Report when appropriate information is available. Even though DOE would be liable for stipulated penalties by missing the milestone, this approach will further the progress of cleanup at OU1, and ultimately minimize DOE's penalty liability. Timely submittal of a report which adds nothing to the current understanding of the site will do neither.

We urge DOE to work with us in evaluating the current OU1 RFI/RI status and identifying the most effective way to pursue report preparation. If you have questions or would like to discuss the progress of this effort, please contact Gary Kleeman (EPA) at 294-1071 or Joe Schieffelin (CDH) at 331-4421.

Sincerely,



Martin Hestmark, EPA  
Manager  
Rocky Flats Project



Gary Baughman, CDH  
Unit Leader  
Hazardous Waste Facilities

cc: Scott Grace, DOE  
Cindy Gee, EG&G  
Dennis Smith, EG&G  
Barbara Barry, RFPU